

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00260 JMS
)	
Plaintiff,)	DECLARATION
)	
vs.)	
)	
JAMES T. LOW,)	
)	
Defendant.)	
_____)	

DECLARATION

I, JAMES T. LOW, hereby declare as follows:

1. I am the defendant in this case and I am proceeding to trial pro se;
2. I was arrested on or about June 9, 2005, and subsequently detained without bail after the court granted the government motion for detention without bail on or about June 15, 2005 after a detention hearing; I subsequently entered a plea of not guilty on June 24, 2005 to the indictment in my case, and jury selection and trial was set for August 23, 2005;
3. Since my arrest, I have requested the court to grant me a speedy trial in my case on numerous occasions, but because of continuances my jury trial has been scheduled to begin on June 6, 2006 before the Honorable J. Michael Seabright, United States District Judge;
4. I have reviewed the record of proceedings in my case, and have determined that the court has excluded the following periods from the calculations of the speedy trial act because of stipulations to continue trial entered into by my then attorneys: 8/23/05 to

10/25/05; 11/29/05 to 2/22/06; and 2/22/06 to 5/2/06; the period from 10/25/05 to 11/29/05 was also excluded by the court because of Michael Silva's request for a continuance, but I did not agree to the continuance;

5. In addition, I agreed to a continuance from 5/9/06 to 6/6/06 and time was excluded by the court for that period; I did not expressly consent to any other delays of my trial date, nor have I found any indication in the court's docket that the court made any other express findings of exclusion of time;

6. By my calculations, even if the time excluded by the stipulations entered into by my former attorneys and myself is excluded from the calculations of the speedy trial act, I believe that the 70-day limit of the speedy trial act has been exceeded, and a dismissal of my charges with prejudice is required;

7. I have suffered extreme prejudice in my pretrial detention for almost one year since my arrest in June 2005, and therefore have been denied my constitutional right to a speedy trial, which requires the dismissal of the charges against me on constitutional grounds, in addition to a dismissal for violation of the speedy trial act;

8. I therefore respectfully submit that good cause exists to grant this motion.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: Honolulu, Hawaii, May 12, 2006.



JAMES T. LOW